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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

<b>Sikhs For Justice "SFJ", INC.;</b>	)	
<b>Micheal Masih;</b>	)	<b>Civ. No. 15 CIV 433 (LTS)</b>
<b>Hasim Ali;           and</b>	)	
<b>Kulwinder Singh.</b>	)	<b>FIRST AMENDED</b>
	)	<b>COMPLAINT</b>
	)	<b>FOR DECLARATORY</b>
	)	<b>JUDGMENT AND WRIT</b>
	)	<b>OF MANDAMUS</b>
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>JOHN KERRY,</b>	)	
<b>in his official capacity as</b>	)	
<b>U.S. SECRETARY OF STATE,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

Plaintiffs, by and through their attorney, file the amended complaint alleging:

**FIRST AMENDED COMPLAINT**

**I. PRELIMINARY STATEMENT AND STATEMENT OF FACTS**

Through this First Amended Complaint (FAC), Micheal Masih, Hasim Ali and Kulwinder Singh, the individuals belonging to religious minorities of India who along with their families suffered "forcible religious conversions" through "Ghar Wapsi" (Home Coming) campaign launched by defendant "Rashtriya Swayamsevak Sangh" ("RSS") request the court to issue a Judgment declaring Hindu supremacist group RSS as a "foreign terrorist organization" (FTO), for believing in and practicing a fascist ideology<sup>1</sup> and for running a passionate, vicious and violent campaign to turn India into a "Hindu" nation with a homogeneous religious and cultural identity.

In 1998, US Congress enacted International Religious Freedom Act (IRFA) with specific purposes listed in the statute as"

To express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted in foreign countries on account of religion; to authorize United States actions in response to violations of religious freedom in foreign countries; to establish an Ambassador at Large for International Religious Freedom within the Department of State, a Commission on International Religious Freedom, and a Special Adviser on International Religious Freedom within the National Security Council; and for other purposes.."

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<sup>1</sup> <http://www.ibtimes.com/hindu-nationalists-historical-links-nazism-fascism-214222>

IRFA's stated purpose is to promote and ensure religious freedom around the globe and to dictate United State's foreign policy on the issue of religious freedom. In addition to making foreign officials inadmissible to the United States on the grounds of involvement in violation of religious freedoms, IRFA also created the U.S. Commission on International Religious Freedom (USCIRF) as an entity separate and distinct from the State Department, an independent, bipartisan U.S. government body to monitor religious freedom worldwide and to steer the President, Secretary of State, and Congress by making policy recommendations for ensuring religious freedoms on the basis of statutory mandate and the standards in the Universal Declaration of Human Rights and other international documents.

USCIRF 2015 report<sup>2</sup> documents activities of RSS targeting the religious minorities, particularly "forced conversions" through "Home Coming Campagin". The USCIRF report states:

Since the election, religious minority communities have been subject to derogatory comments by politicians linked to the ruling Bharatiya Janata Party (BJP) and numerous violent attacks and forced conversions by Hindu nationalist groups, such as Rashtriya Swayamsevak Sangh (RSS) and Vishva Hindu Parishad (VHP). Christian NGOs and leaders report that their community is particularly at risk in states that have adopted "Freedom of Religion Act(s)," commonly referred to as anti-conversion laws.

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<sup>2</sup><http://www.uscifr.gov/sites/default/files/USCIRF%20Annual%20Report%202015%20%282%29.pdf>

USCIRF report further states that:

"In December 2014, Hindu nationalist groups announced plans to forcibly "reconvert" at least 4,000 Christian families and 1,000 Muslim families to Hinduism in Uttar Pradesh on Christmas day as part of a so-called "Ghar Wapsi" (returning home) program. In advance of the program, the Hindu groups sought to raise money for their campaign, noting that it cost nearly 200,000 rupees (US \$3,200) per Christian and 500,000 rupees (US \$8,000) per Muslim".

The basis for this complaint involves immense concerns that RSS tactics, targeting, and fundraising operations, appear to be increasingly international in scope, including within the United States<sup>3</sup> and to ensure that the US Federal Government recognizes a truly potential and systematically growing critical terrorist threat.

The crimes of RSS targeting the religious minorities of India include but not limited to, instigating June 1984 military attack against holiest Sikh shrine the Golden Temple resulting in desecration of the temple massacre of thousands of pilgrims; 1992 demolition of historical Babri Mosque; burning Churches and rape of Christian nuns in Orissa and elsewhere during 2008; 2002 massacre of Muslims in Gujarat; attack on several other places of

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<sup>3</sup> See Report "Hindu Nationalism In The United States: A Report On Nonprofit Groups" available at <http://www.sacw.net/article9057.html>  
*also see* Report "The Foreign Exchange of Hate- IDRF and the American Funding of Hindutva" available online at <http://www.sabrang.com/hnfund/sacw/>

worship belonging to different religious minorities; bombing of public places such as trains and buses.

While Sikhs, one of the religious minorities of India, has been stripped off its religious identity through Article 25(b)<sup>4</sup> of the Constitution of India which labels "Sikhs" as "Hindus", Christian and Muslim communities are being targeted by RSS with new zeal ever since Modi became Prime Minister, to accomplish its agenda of turning India into a "Hindu" nation. On August 11, 2014 RSS Chief Mohan Bhagwat unequivocally announced his party's agenda by stating that, "*The entire world recognizes Indians as Hindus therefore India is a Hindu state*"<sup>5</sup>. In December 2014, RSS launched a nation-wide campaign called "The Home Coming" to forcibly convert Christians and Muslims to Hindus<sup>6</sup> resulting into engulfing of thousands of members of religious minorities into "Hindu fold".

In December, 2014, Sikhs For Justice "SFJ" Inc., a non-profit human rights advocacy group wrote to the Defendant, U.S. Secretary of State requesting that the organization "Rashtriya Swayamsevak Sangh" ("RSS") along with

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<sup>4</sup> <http://www.tribuneindia.com/news/punjab/after-3-decades-sikh-demand-for-separate-status-gains-force-again/19096.html>

<sup>5</sup> <http://www.ndtv.com/article/india/citizens-of-hindustan-hindus-rss-chief-mohan-bhagwat-s-comment-sparks-outrage-574112>

<sup>6</sup> <http://www.thehindu.com/sunday-anchor/conversion-confusion-forced-into-homecoming/article6711441.ece>

its affiliates and subsidiaries be designated as a "Foreign Terrorist Organization" (FTO), in accordance with Section 219 of the Immigration and Nationality Act (INA), as amended, and designate RSS as a Specially Designated Global Terrorist entity (SDGT) under Executive Order 13224 pursuant to the authorities of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)(IEEPA), the National Emergencies Act (50 U.S.C. 1601 et seq.), section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c)(UNPA), and section 301 of title 3, United States Code and Section 140(d)(2) of Foreign Relations Authorizations (FRA) Act.

#### **A. President's Executive Order 13224**

The Executive Order 13224 was signed by President Bush on September 23, 2001 following the September 11, 2001 terrorist attacks on the United States of America and allows for a way to disrupt or block the assets in the “financial support network for terrorists” and “terrorist organizations” by allowing the U.S. government to designate certain entities as “Foreign Terrorist Organizations” (“FTO”) when they pose a significant risk of terrorism.<sup>7</sup>

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<sup>7</sup> [http://en.wikipedia.org/wiki/Executive\\_Order\\_13224](http://en.wikipedia.org/wiki/Executive_Order_13224)

## **B. RSS Terrorist Activities**

RSS is such an organization that ought to be designated an FTO by the U.S. government because it poses a significant risk of terrorism to the U.S. and the world. The following is a non-exhaustive list of activities where RSS members or affiliates were involved in spreading their hatred and fear-mongering ideologies that are often carried out through violent means.

1. 2010 - A former RSS member and known Indian activist-terrorist, Swami Aseemanand, had planned terror attacks on Ajmer Sharif, Mecca Masjid, and the 2006 Malegaon blasts, as well as the 2007 Samjhauta Express bombings and was arrested in 2010 where he confessed to the acts and bombing of Muslim religious places as revengeful response to Muslim terrorism with “a bomb for bomb” policy. He later stated in an interview with The Caravan magazine that “some of the worst terror attacks in India were sanctioned by the [RSS]....”<sup>8</sup>
2. 2009 - The Indian Home Secretary Raj Kumar Singh said that at least 10 people having close links with RSS and its affiliates were named accused in various acts of terror across India. Congress (I) party's general

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<sup>8</sup> [http://en.wikipedia.org/wiki/Swami\\_Aseemanand](http://en.wikipedia.org/wiki/Swami_Aseemanand)

secretary Rahul Gandhi remarked to US Ambassador Timothy Roemer, at the residence of the Prime Minister of India in July 2009, that the RSS was a "bigger threat" to India than the Lashkar-e-Tayiba. Panchjanya.<sup>9</sup>

3. 2008 Malegaon blasts; September 29, 2008.<sup>10</sup>
4. 2007 Samjhauta Express bombings; midnight on February 18, 2007.<sup>11</sup>
5. Ajmer Dargah attack; October 11, 2007.<sup>12</sup>
6. Mecca Masjid bombing; May 18, 2007.<sup>13</sup>
7. Jan. 30, 1948 - Mahatma Gandhi, architect of India's freedom struggle was assassinated, shot dead at point-blank range, by confessed Hindu nationalist Nathuram Godse<sup>14</sup>, a member of RSS.

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<sup>9</sup> [http://en.wikipedia.org/wiki/Saffron\\_terror](http://en.wikipedia.org/wiki/Saffron_terror)

<sup>10</sup> [http://en.wikipedia.org/wiki/29\\_September\\_2008\\_western\\_India\\_bombings](http://en.wikipedia.org/wiki/29_September_2008_western_India_bombings); <http://timesofindia.indiatimes.com/india/2008-Malegaon-blast-accused-held-for-2006-case-too/articleshow/17879584.cms>; <http://www.firstpost.com/india/2008-malegaon-blasts-hc-seeks-ria-response-to-accuseds-petition-1003903.html>; <http://www.thehindu.com/news/national/other-states/hc-denies-bail-to-sadhvi-pragya-in-malegaon-blast-case/article5871947.ece>

<sup>11</sup> <http://www.ipcs.org/article/india/samjhauta-express-blast-vs-mumbai-terror-attacks-3328.html>; <http://www.hindustantimes.com/comment/sitaramyechury/zero-tolerance-please/article1-998308.aspx>;

<sup>12</sup> [http://en.wikipedia.org/wiki/Ajmer\\_Dargah\\_attack](http://en.wikipedia.org/wiki/Ajmer_Dargah_attack); [http://wikileaks.org/gifiles/docs/36/361294\\_india-two-killed-17-injured-in-ajmer-shrine-blast-re-os.html](http://wikileaks.org/gifiles/docs/36/361294_india-two-killed-17-injured-in-ajmer-shrine-blast-re-os.html)

<sup>13</sup> [http://en.wikipedia.org/wiki/Mecca\\_Masjid\\_bombing](http://en.wikipedia.org/wiki/Mecca_Masjid_bombing); <http://www.thehindu.com/news/cities/Hyderabad/hc-cancels-bail-of-mecca-masjid-blast-accused/article4631055.ece>; [http://articles.economictimes.indiatimes.com/2010-12-23/news/27611940\\_1\\_ramchandra-kalsangra-alias-ramji-label-hindus-and-saffron-cell-phone-triggered-pipe-bomb](http://articles.economictimes.indiatimes.com/2010-12-23/news/27611940_1_ramchandra-kalsangra-alias-ramji-label-hindus-and-saffron-cell-phone-triggered-pipe-bomb)



### **C. RSS: A brief history**

A brief history of RSS, an organization set up and run as an ultra-religious, fundamentalist, extremist and Hindu supremacist group is as follows. RSS was founded on Vijayadasami Day, 27 September 1925 as a social organization to ostensibly to provide character training through Hindu discipline, to unite the Hindu community in overcoming caste-based divisions, to counter British colonialism in India, and to suppress Muslim separatism. It proclaims its ideal as upholding Indian culture and civilizational [sic] values more than anything else.”<sup>15</sup> RSS has been criticized as a paramilitary and extremist group. Since its inception and early days of existence, RSS is known for its violent ideologies and practices.

It is noteworthy that assassination of India's leader of world fame, Mahatma Gandhi was planned by RSS and was carried out by one its loyal activist. RSS was banned during the British rule, and then thrice by the post-independence Indian government — first in 1948 when Nathuram Godse, a former RSS member, assassinated Mahatma Gandhi; then during the emergency (1975–77); and after the demolition of Babri Masjid in 1992.

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<sup>14</sup> <http://www.bloombergvew.com/articles/2015-01-05/in-india-a-campaign-to-glorify-mahatma-gandhis-assassin>

<sup>15</sup> [http://en.wikipedia.org/wiki/Rashtriya\\_Swayamsevak\\_Sangh](http://en.wikipedia.org/wiki/Rashtriya_Swayamsevak_Sangh)

SFJ's letter based this request, in part, on a July 2014 report on nonprofit groups entitled "Hindu Nationalism in the United States: A Report on Nonprofit Groups"<sup>16</sup> that compiles records, articles, and materials on non-profit groups in the United States affiliated with the Sangh Parivar family of Hindu Nationalist groups, including RSS, that promote and effectuate a form of Hindu Nationalism that directly causes significant physical, mental, and emotional harm to civilian minority religions in India and their members presently residing in the United States. Known for the neologism Saffron or Hindutva Terror, the RSS has been engaged in acts of violence over recent years motivated in support of Hindu nationalism. RSS has several affiliate organizations such as Vishva Hindu Parishad, Akhil Bharatiya Vidyarthi Parishad, Vanavasi Kalyan Ashram and others.

Examples of this violence by Hindu extremist organizations such as RSS and its affiliates include the 2002 Gujarat Massacre of the Muslim people, the aftermath of the September 29, 2008 bomb blast in the predominantly Muslim town of Malegaon in Maharashtra, the 2006 Malegaon blasts, Mecca Masjid bombing (Hyderabad), the 2007 Samjhauta Express

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<sup>16</sup>[https://indianvalueeducation.files.wordpress.com/2014/06/us\\_hindunationalism\\_nonprofits.pdf](https://indianvalueeducation.files.wordpress.com/2014/06/us_hindunationalism_nonprofits.pdf)

bombings<sup>17</sup>, whereupon Swami Aseemanand, a pracharak<sup>18</sup> of the RSS confessed to involvement in the bombing, and the Ajmer sharif dargah blast<sup>19</sup>. Further, the Indian Home Secretary Raj Kumar Singh noted that a minimum of ten people who had close ties to RSS and its affiliates were named accused in various acts of terror across India.<sup>20</sup> The General Secretary, Rahul Gandhi, of the Indian National Congress Party (“Congress (I)”), the ruling party in India, noted to US Ambassador Timothy Roemer, that the RSS was a “bigger threat” to India than Lashkar-e-Tayiba.<sup>21</sup> There is evidence of RSS and its affiliates being responsible for bomb threats throughout the country of India.

Further, RSS is an organization criticized as a paramilitary and extremist group. RSS is a “National Volunteer Organization” or “National Patriotic Organization” and known as “a right-wing charitable, educational, volunteer, Hindu nationalist, non-governmental organization and the world's largest voluntary non-governmental organization with a self-proclaimed ideology

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<sup>17</sup> [http://en.wikipedia.org/wiki/Saffron\\_terror](http://en.wikipedia.org/wiki/Saffron_terror);  
[http://en.wikipedia.org/wiki/2007\\_Samjhauta\\_Express\\_bombings](http://en.wikipedia.org/wiki/2007_Samjhauta_Express_bombings)

<sup>18</sup> An RSS Pracharak is a full time worker in the [Rashtriya Swayamsevak Sangh](#) (RSS). Pracharaks are dedicated to spreading the ideology of the RSS through personal contact, meetings, and public lectures.

<sup>19</sup> [http://en.wikipedia.org/wiki/Ajmer\\_Dargah\\_attack](http://en.wikipedia.org/wiki/Ajmer_Dargah_attack)

<sup>20</sup> [http://en.wikipedia.org/wiki/Saffron\\_terror](http://en.wikipedia.org/wiki/Saffron_terror)

<sup>21</sup> Lashkar –e-Tayiba is one of the most notorious terrorist groups in India, also known as Army of the Righteous, is one of the largest and most proficient of the Kashmir-focused militant groups.

based on the principle of selfless service to India.” “RSS was founded on Vijayadasami Day, 27 September 1925 as a social organization to provide character training through Hindu discipline, to unite the Hindu community in overcoming caste-based divisions, to counter British colonialism in India, and to suppress Muslim separatism. It proclaims its ideal as upholding Indian culture and civilizational [sic] values more than anything else.”<sup>22</sup> RSS has been criticized as a paramilitary and extremist group.

It is noteworthy that world renowned Indian leader and politician, M.K. Gandhi a.k.a. Mahatma Gandhi was assassinated by an RSS worker and operative and RSS has always owned the act of Nathuram Godse, Gandhi's assassin, and has never disowned Godse or his action. RSS has a rich history of troubles with the law for its fascist ideology and extremist and violent actions. “[RSS] was banned during the British rule, and then thrice by the post-independence Indian government — first in 1948 when Nathuram Godse, a former RSS member, assassinated Mahatma Gandhi; then during the emergency (1975–77); and after the demolition of Babri Masjid in 1992.

#### **D. Indian Prime Minister Narendra Modi's involvement with RSS**

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<sup>22</sup> [http://en.wikipedia.org/wiki/Rashtriya\\_Swayamsevak\\_Sangh](http://en.wikipedia.org/wiki/Rashtriya_Swayamsevak_Sangh)

There has been a widespread notoriety and publication campaign regarding the Hindu nationalists forced conversions of minority religions in India, including both Christians and Muslims. Recently in Agra, India there were nearly 200 Muslims who were converted to Hinduism by RSS. RSS is described as the “ideological wing of the governing Bharatiya Janata Party” of which current Indian Prime Minister Narendra Modi was an employee.<sup>23</sup> In fact, it is known that Prime Minister Modi begun his political career with RSS as a full-time RSS worker.<sup>24</sup> Despite the government of India’s denial that Prime Minister Modi is currently involved with RSS, it is clear his past affiliation and mix of current ideologies creates an unstable element for the international community. The media continues to report that RSS is “a sectarian, militant group, which believes in the ‘supremacy of Hindus’ and ‘preaches hate’ against Muslims and Christian minorities.”<sup>25</sup>

PM Modi's involvement with RSS is an established fact. According to Washington Post report of July 07, 2014, "Modi joined an RSS children's group in his village in the western state of Gujarat, following morning drills like Pandiarajan's. In 1971, he became a pracharak. They vow to follow an

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<sup>23</sup> [http://www.nytimes.com/2014/12/24/world/asia/india-narendra-modi-hindu-conversions-missionaries.html?\\_r=0](http://www.nytimes.com/2014/12/24/world/asia/india-narendra-modi-hindu-conversions-missionaries.html?_r=0)

<sup>24</sup> <http://www.bbc.com/news/world-asia-india-29593336>

<sup>25</sup> <http://www.bbc.com/news/world-asia-india-29593336>

austere lifestyle — earning no salary and cutting ties with their families — and dedicate themselves to spreading the RSS ideology<sup>26</sup>.

#### **E. Comparison of RSS to designated FTO Nigerian Boko Haram**

The case of "Boko Haram", a Nigerian organization designated by the U.S. Secretary of State as an FTO in November 2013<sup>27</sup>, lives by the motto "convert or die" in its actions against religious minorities specifically the conversion of Christians.<sup>28</sup>

RSS is very similar in both modus operandi and ideological structure. RSS has begun a systematic endeavor with its recent campaign to convert Muslims to Hindus a campaign entitled "ghar wapsi"<sup>29</sup> or "Home Coming."<sup>30</sup> RSS intends to carry out this campaign with an ideologically vengeful spirit of retaliating against the conversion of Hindus to Christianity and Islam in

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<sup>26</sup> [http://www.washingtonpost.com/pb/world/inside-the-rss-indias-hindu-nationalist-movement-where-modi-got-his-start/2014/06/05/96800738-7094-4bdd-a0f3-85d534ef82cd\\_story.html?resType=accessibility](http://www.washingtonpost.com/pb/world/inside-the-rss-indias-hindu-nationalist-movement-where-modi-got-his-start/2014/06/05/96800738-7094-4bdd-a0f3-85d534ef82cd_story.html?resType=accessibility)

<sup>27</sup> [http://en.wikipedia.org/wiki/Boko\\_Haram](http://en.wikipedia.org/wiki/Boko_Haram)

<sup>28</sup> <http://www.foxnews.com/world/2013/11/19/convert-or-die-nigerian-terrorist-group-boko-haram-tells-christian-women/>

<sup>29</sup> <http://www.hindustantimes.com/punjab/amritsar/despite-akali-stand-rss-set-to-bring-back-30-mazhabi-christians-back-to-sikh-fold-ghar-wapsi-to-be-held-at-gurdwara/article1-1301552.aspx>

<sup>30</sup> [http://www.nytimes.com/2014/12/26/opinion/religious-intolerance-in-india.html?\\_r=0](http://www.nytimes.com/2014/12/26/opinion/religious-intolerance-in-india.html?_r=0)

the past. RSS intends to use any means necessary including violent means to achieve their objective.

Boko Haram, founded in 2002, was designated as an FTO because of its role in the extrajudicial killing over 5,000 civilians from July 2009 to June 2014. Boko Haram was engaged in serious terrorist attacks throughout northeast, north central and central Nigeria as well as maintaining corruption with the government in sanctioning human rights abuses by security and police forces. Boko Haram was also engaged in the abduction of over 500 women and children in April 2014 and also caused the forced exile and dislocation of nearly 650,000 people by August 2014.

Boko Haram has a radical ideology that uses violence to achieve its objectives since 2009 with the unexpected execution of its leader and resurgence, following a mass prison break in September 2010. What was spawned from this outrageous series of events were “ increasingly sophisticated attacks”, including suicide bombings, targeting government installations and religious minorities. The government had to declare a state of emergency.

RSS therefore should be designated as an FTO because of uncanny similarities to Boko Haram including government corruption as RSS has been shown to have almost exclusive ties to the governing BJP; preparation

for a systematic surge of violence to carry out their “Home Coming” campaign similar in many ways, if not identical, to the Boko Haram campaign of “convert or die”; and the use of violence in targeting of religious minorities in a vengeance for alleged past conversion and persecution against them.

#### **F. More RSS activities**

1. Arson of a catholic church in India following mass forced conversions of nearly 200 Muslims and Christians to Hinduism in India “by an offshoot of the powerful Rashtriya Swayamsevak Sangh, a Hindu nationalist group that is the ideological wing of the governing Bharatiya Janata Party and that once employed the prime minister, Narendra Modi... a divisive figure; when he was chief minister of Gujarat State, religious rioting there in 2002 left more than 1,000 people dead, mostly Muslims. But he came to national power promising to focus on India’s economic development while moderating his Hindu nationalism.”<sup>31</sup> The leader of “Rashtriya Swayamsevak Sangh, Mohan Bhagwat, has promised to press ahead with the conversions, which his group has called

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<sup>31</sup> [http://www.nytimes.com/2014/12/24/world/asia/india-narendra-modi-hindu-conversions-missionaries.html?\\_r=1](http://www.nytimes.com/2014/12/24/world/asia/india-narendra-modi-hindu-conversions-missionaries.html?_r=1)



‘homecomings.’”<sup>32</sup> The article linked below reports the mass forced conversions of hundreds in forced or tricked ceremonies by allurement or fraud and “vote banks” with the endgame of annihilating religious minorities in India and the government under Prime Minister Narendra Modi fails to take action against it.

2. Many Muslims and Christians continue to fear the pressures to convert to Hinduism under the Modi regime, especially impoverished people. As recent as late last year, “more than 50 impoverished Muslim families in a slum in the northern Indian city of Agra attended a simple but controversial ceremony at which they were asked by a Hindu priest to chant and throw offerings into the holy fire in front of some Hindu idols. The priest then welcomed the Muslims into the Hindu fold. Some Muslims in the neighborhood of trash collectors told local reporters that it was all a fraud. They said that a Hindu activist had assured them that by attending the ceremony, they will get the government’s coveted “below-poverty-line” identity card and access to state welfare assistance in health and education.”<sup>33</sup> These forced conversions by trickery or fraud are part of an elaborate scheme by the ruling Hindu nationalist Bharatiya

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<sup>32</sup> [http://www.nytimes.com/2014/12/24/world/asia/india-narendra-modi-hindu-conversions-missionaries.html?\\_r=1](http://www.nytimes.com/2014/12/24/world/asia/india-narendra-modi-hindu-conversions-missionaries.html?_r=1)

<sup>33</sup> <http://www.washingtonpost.com/blogs/worldviews/wp/2014/12/12/are-poor-indian-muslims-being-forced-to-convert-to-hinduism/>

Janata Party (BJP) to steer the country of India towards a Hindu nationalist identity and destroy the principles of free religion upheld but arbitrarily enforced in the Indian constitution and laws. According to the article linked below, lawmakers called it “a diabolic agenda” of Modi’s regime. Further, the BJP have stated that “the Hindu scripture Bhagavad-Gita should be declared a ‘national scripture’”, they wanted to convert Christians to Hindus before Christmas, and “Bhagavad-Gita was above the nation’s constitution.”<sup>34</sup>

3. 2008 burning of Christian churches and killing of nuns in Orissa amongst other areas.<sup>35</sup>
4. Forced conversions of Muslims and Christians throughout last twenty years.<sup>36</sup>
5. 1992 demolition of Babri Mosque and building of Ram Mandir (Temple) at the site of Babri Mosque.<sup>37</sup>

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<sup>34</sup> <http://www.washingtonpost.com/blogs/worldviews/wp/2014/12/12/are-poor-indian-muslims-being-forced-to-convert-to-hinduism/>

<sup>35</sup> [http://en.wikipedia.org/wiki/Anti-Christian\\_violence\\_in\\_India](http://en.wikipedia.org/wiki/Anti-Christian_violence_in_India) ;  
[http://www.iirf.eu/index.php?id=66&no\\_cache=1&tx\\_ttnews%5Bpointer%5D=13&tx\\_ttnews%5BbackPid%5D=26&tx\\_ttnews%5Btt\\_news%5D=761](http://www.iirf.eu/index.php?id=66&no_cache=1&tx_ttnews%5Bpointer%5D=13&tx_ttnews%5BbackPid%5D=26&tx_ttnews%5Btt_news%5D=761);  
[http://en.wikipedia.org/wiki/Religious\\_violence\\_in\\_Odisha](http://en.wikipedia.org/wiki/Religious_violence_in_Odisha)

<sup>36</sup> [http://en.wikipedia.org/wiki/Agra\\_religious\\_conversions\\_2014](http://en.wikipedia.org/wiki/Agra_religious_conversions_2014);  
<http://www.washingtontimes.com/news/2014/dec/14/rahat-husain-militant-hindu-groups-plan-conversion/>

<sup>37</sup> [http://en.wikipedia.org/wiki/Demolition\\_of\\_the\\_Babri\\_Masjid](http://en.wikipedia.org/wiki/Demolition_of_the_Babri_Masjid);  
<http://www.wsns.org/en/articles/2014/04/18/babr-a18.html>

**G. Law for designation of FTO under §219 of the INA, as amended**

1. It must be a *foreign organization*.
2. The organization must *engage in terrorist activity*, as defined in section 212(3)(B)(iii) and (iv) of the INA (8 U.S.C. §1182(a)(3)(B)), or *terrorism*, as defined in section 140(d)(2) of the Foreign Relations Authorization Act, 22 U.S.C. § 2656f(d)(2), *or retain the capability and intent to engage in terrorist activity or terrorism*.
3. The organization's terrorist activity or terrorism must threaten the security of U.S. nationals or the national security (national defense, foreign relations, or the economic interests) of the United States.

Terrorist Activity is defined under INA Section 212(a)(3)(B)(iii) as “any activity which is unlawful under the laws of the place where it is committed” including “ high-jacking or sabotage of any conveyance”; “seizing or detaining, and threatening to kill, injure, or continue to detain, another individual in order to compel a third person (including a governmental organization) to do or abstain from doing any act as an explicit or implicit condition for the release of the individual seized or detained”; “[a] violent attack upon an internationally protected person (as defined in section 1116(b)(4) of title 18, United States Code) or upon the liberty of such a person”; “assassination”; “use of any- (aa) biological agent, chemical agent,

or nuclear weapon or device, or (bb) explosive, firearm, or other weapon or dangerous device (other than for mere personal monetary gain), with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property”; or “threat, attempt, or conspiracy to do any of the foregoing.”

Being engaged in terrorist activity is defined under INA Section 212 (a)(3)(B)(iv) as “in an individual capacity or as a member of an organization- (I) to commit or to incite to commit, under circumstances indicating an intention to cause death or serious bodily injury, a terrorist activity; (II) to prepare or plan a terrorist activity; (III) to gather information on potential targets for terrorist activity; (IV) to solicit funds or other things of value for-- (aa) a terrorist activity; (bb) a terrorist organization described in clause (vi)(I) or (vi)(II); or (cc) a terrorist organization described in clause (vi)(III), unless the solicitor can demonstrate by clear and convincing evidence that he did not know, and should not reasonably have known, that the organization was a terrorist organization; (V) to solicit any individual-- (aa) to engage in conduct otherwise described in this subsection; (bb) for membership in a terrorist organization described in clause (vi)(I) or (vi)(II); or (cc) for membership in a terrorist organization described in clause (vi)(III) unless the solicitor can demonstrate by clear and convincing evidence that he

did not know, and should not reasonably have known, that the organization was a terrorist organization; or (VI) to commit an act that the actor knows, or reasonably should know, affords material support, including a safe house, transportation, communications, funds, transfer of funds or other material financial benefit, false documentation or identification, weapons (including chemical, biological, or radiological weapons), explosives, or training-- (aa) for the commission of a terrorist activity; (bb) to any individual who the actor knows, or reasonably should know, has committed or plans to commit a terrorist activity; (cc) to a terrorist organization described in subclause (I) or (II) of clause (vi) or to any member of such an organization; or (dd) to a terrorist organization described in clause (vi)(III), or to any member of such an organization, unless the actor can demonstrate by clear and convincing evidence that the actor did not know, and should not reasonably have known, that the organization was a terrorist organization.”

Terrorism as defined under section 140(d)(2) of the Foreign Relations Authorization Act, 22 U.S.C. § 2656f(d)(2) is defined as “premeditated, politically motivated violence perpetrated against noncombatant targets by sub-national groups or clandestine agents.”

## **H. ANALYSIS OF RSS TO THE LAW FOR DESIGNATION AS FTO**

Over the previous years as noted herein, RSS, a foreign organization originating in India and being one of the dominant parties in India, has intensified its campaign of terrorism, including acts of random and targeted violence and threats against members of minority religions and sympathizers who act against the spread of Hindu nationalism throughout the subcontinent of India. RSS has “[in the aftermath of the Gujarat earthquake in 2001] ... distributed relief selectively to upper-caste victims, neglecting Dalits and Muslims. The RSS also organized [sic] shakhas [local chapters] in relief camps. At Adhoi village, Vishwa Hindu Parishad (VHP) preachers gave lectures every night on the need to be vigilant against Christians and Muslims. RSS volunteers allegedly threatened other relief workers with harm unless they left Kutch” (Bunsha 2004). The U.S. counterparts of the militant Rashtriya Swayamsevak Sangh (RSS) and the Vishwa Hindu Parishad (VHP) — the Hindu Swayamsevak Sangh (HSS, identification number 52-1647017) and the VHP of America (VHPA, identification number 51- 0156325), respectively—both operate youth camps and

education programs to promote “Hindu culture” and to encourage young Hindus to “develop pride in their Hindu identity”<sup>38</sup>

This blatant disregard for the rights of minority religions is a grave threat to the United States of America and the security of such persons residing within the United States.

### **2002 Gujarat Riots**

The 2002 Gujarat massacre of Muslims is reported, thoroughly documented, and well known by the surviving victims and their families and the general public and international community as a period of extreme communal violence in Gujarat during February to March 2002. With a death toll of over two thousand and two-thousand-five-hundred more injured and hundreds missing, the members of the Muslim community began to fear the state government of Gujarat. The government’s involvement in the violence strikes fear into the hearts of many till this very day. The Indian government and independent organizations flowing from the government such as RSS used forces, authorities, and agencies at his disposal within the government to commit generally brutal and sadistic acts, including rape and horrific violence. The majority of the victims of this violence were Muslim. Beginning with a fire on a train at Godhra killing fifty-nine peaceful

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<sup>38</sup> <http://www.frontline.in/static/html/fl2108/stories/20040423003504300.htm>

pilgrims and activists, the violence ensued to rampant lawlessness, violence, and inhumane actions. The local newspapers reported the systematic violence as directed mainly against the Muslim community in Gujarat.

Additionally, RSS, while exclusively an outfit for males, has begun recruiting young female members as young as thirteen and as old as thirty-five with the same hate-filled ideologies as it distills into its male members. Female members, usually shy and soft spoken, are taken from their families and brainwashed with notions such as "[w]e'll die for our beliefs!" and "[w]e'll kill anyone who gets in our way!"<sup>39</sup> This forced indoctrination and arming of Indian youth to assemble a fighting force targeting religious minorities in India and spread throughout the world like wildfire must not be tolerated or condoned by any civilized country. The efforts to stop this growing significant terrorist threat exist in the law of this nation and in Executive Order 13224. Consequently, RSS should be designated an FTO.

Accordingly, designating RSS an FTO will ensure that the Department of Justice has the necessary legal authorities to prosecute individuals associated with RSS for any terrorism related crimes within the U.S. Homeland. It will also allow the Department of Treasury the authority to designate individuals within RSS for illicit fundraising. Currently, neither the Departments of

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<sup>39</sup> <http://www.bbc.com/news/world-asia-india-29798148>



Justice nor Treasury can take such actions without FTO designation creating unnecessary risk. In addition, FTO designation will also ensure that all other members of the U.S. Intelligence Community have every military, intelligence, diplomatic, and economic tool at their disposal to disrupt and deter RSS's operations, planning, and fundraising both internationally and domestically.

### **I. FAILURE OF DEFENDANT TO DESIGNATE RSS AS FTO**

To this date, Plaintiff has yet to receive any notification from Defendant and it is clear that Defendant has failed to act in conformity with its obligations. Plaintiff therefore brings this complaint for Mandamus pursuant to 28 U.S.C. §1361, the federal question statute, 28 U.S.C. §1331 and for Declaratory Judgment under the Administrative Procedures Act ("APA"), 5 U.S.C. §§555(b) and 706(1) and Declaratory Judgment Act, 28 U.S.C. § 2201.

### **II. BACKGROUND INFORMATION**

As history records, beginning on February 27, 2002, communal violence, that was religiously motivated violence, involving the slaughter of what appears to be

several thousand<sup>40</sup> Muslims occurred in the state of Gujarat, India. The violence began after a train carrying Hindu nationalists was set aflame and 58 people died in the city of Godhra. Much attention has been given to the cause of this violence and the fact that such violence has a history in this state. In particular, the Concerned Citizens Tribunal, which sat in the state of Gujarat after these events, identified a troubling political backdrop. The Tribunal was composed of eight members including three jurists and several academics and collected over 2,000 oral and written testimonies from individual victim survivors as well as interested human rights groups, women's groups, non-governmental organizations, and others.<sup>41</sup>

The terms of reference of the Tribunal required it to investigate “the facts of the incidents and circumstances behind the Godhra massacre on February 27, 2002” as well as “the cause of violence from February 27, 2002 in Gujarat” including the role of the state executive, government and administration in response to this violence, as well as the role of the state police, among others. Of equal importance to the Tribunal was an investigation into the political policies followed by the BJP government since it assumed power in Gujarat in 1998 and its approach to

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<sup>40</sup> Human Rights Watch reported that in the days following February 27, 2002, some 850 people were known to have been killed. They also observed that unofficial estimates were as high as 2,000 and violence was continuing in rural areas at publication in April 2002. Human Rights Watch, “We Have No Orders To Save You: State Participation and Complicity in Communal Violence in Gujarat” (April 2002), Vol. 14, No. 3(C) (“HRW, *We Have No Orders To Save You*”), p. 21 (**Appendix D**).

<sup>41</sup> Concerned Citizens Tribunal – Gujarat 2002, “Crime Against Humanity: An inquiry into the carnage in Gujarat” (2002), Vol. I (“Concerned Citizens Tribunal, Vol. 1”), pp. 9-10 (**Appendix C**).

religious minorities.<sup>42</sup> Narendra Modi was the Chief Minister of the state of Gujarat as of October 2001 representing the BJP. In earlier episodes of communal violence in 1986, 1987, 1989 and 1990, Modi was the General Secretary of the BJP and a central figure in Hindu nationalist politics in the state of Gujarat.<sup>43</sup>

The BJP is the political wing of a broader Hindu nationalist movement known as the *sangh parivar*, which encompasses at least three other inter-related organizations that propagate a militant form of Hindu nationalism: (1) the original *sangh parivar* organization founded in 1925, the Rashtriya Swayamsevak Sang (RSS), (2) an organization founded in 1964 to cover the social aspects of RSS activities, the Vishwa Hindu Parishad (VHP), and (3) the militant youth wing of the VHP, the Bajrang Dal. The BJP and its supporting network of organizations are committed to *Hindutva*, a political ideology built on creating a nation based only on Hindu religion and culture. Religions such as Islam and Christianity are depicted as alien to India and the religions of foreign invaders,<sup>44</sup> while Sikhism and Sikh identity are undermined and discriminated against in other ways. Modi's appointment as Chief Minister of the BJP in October 2001 was considered a huge victory for the RSS, as he was also an RSS volunteer, the first ever to become

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<sup>42</sup> Concerned Citizens Tribunal, Vol. 1, *supra* at Annexure 1, p. 238 (**Appendix C**).

<sup>43</sup> Concerned Citizens Tribunal, Vol. 1, *supra* at pp. 14-15 (**Appendix C**).

<sup>44</sup> HRW, *We Have No Orders To Save You*, *supra* at pp. 39-40 (**Appendix D**); Amnesty International, "Five years on – the bitter and uphill struggle for justice in Gujarat" (March 2007), AI Index: ASA 20/007/2007 ("AI, *Five years on*"), p. 6 (**Appendix E**).

Chief Minister.<sup>45</sup> In the years leading up to 2002, accompanying the rise of the BJP, a campaign of hate was undertaken by the RSS, VHP and Bajrang Dal against Gujarat's minority Christian and Muslim communities, which included the distribution of flyers, a systemic, and strictly enforced, economic boycott of Muslims, and associated violence. One flyer issued by the VHP warned, "Caution Hindus! Beware of inhuman deeds of Muslims... Muslims are destroying Hindu Community by slaughter houses, slaughtering cows and making Hindu girls elope. Crime, drugs, terrorism are Muslim's empire."<sup>46</sup>

### III. PARTIES

**Plaintiff Micheal Masih** is a native and citizen of India, current resident of the United States, who was born on August 11, 1981 in a Christian family in the state of Punjab, India. Plaintiff's wife, brother, and father still reside in India. Plaintiff, as a Christian, fled India because blatant threats, pressures, harassing and abusive behavior brought upon him and his family by RSS Hindu fundamentalists and supremacists to abandon the Christian faith and convert to Hinduism. Plaintiff and his family have faced increase in such threats ever since the election of Narendra Modi as Prime Minister of India. In November 2014, workers of RSS Hindu supremacist party invaded Plaintiff's home in Punjab, India and told his wife that they have received

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<sup>45</sup> HRW, *We Have No Orders To Save You*, *supra* at p. 42 (**Appendix D**).

<sup>46</sup> HRW, *We Have No Orders To Save You*, *supra* at p. 43 (**Appendix D**); AI, *Five years on*, *supra* at p. 6 (**Appendix E**).

orders and directions from the headquarter of RSS to warn all the Christians in the area to be prepared to convert to "Hinduism" or get ready to die. The RSS workers harassed, menaced, abused, and threatened Plaintiff's wife and told her that she and her family must be prepared to convert to Hinduism or die. In December 2014 members of RSS again invaded Plaintiff's home and told his wife and other family members that the "Ghar Wapsi (Home Coming)" campaign has been launched by RSS and that the whole family including his wife and children must attend the "Home Coming" event and must convert to Hinduism or else be prepared to face the consequences. As a result of these continuous threats, harassment, menacing behavior, and mistreatment at the hands of RSS, Plaintiff's wife and family live in constant fear of life and safety as RSS workers continue to force them to convert to Hinduism.

**Plaintiff Hasim Ali** a citizen of India and current resident of the United States, is a Muslim male hailing from the village Habri, District Kaithal, Tehsil Pundri, Haryana , India. He is married and has two children. Muslims are greatly outnumbered by Hindus about 10:1 in the Plaintiff's home village. The Muslim community in Plaintiff's village is subjected to constant harassment, verbal and physical abuse, threats, violence, torture, and

persecution. Plaintiff's family along with family members have faced continuous harassment, abuse, and persecution by the majority Hindu fundamentalists specifically RSS. Hindu fundamentalists harass and abuse Muslim merchants to the point of engaging in vulgar threats and imposing fear to force them out of the village. The RSS Hindu Fundamentalists would engage in cruel and unusual treatment towards the Muslim minority such as blatant assault and battery with hockey sticks and sharp-edged weapons.

In June 2011 while Plaintiff was going home, he was stopped by workers of RSS. The RSS threatened Plaintiff to convert to Hinduism. When Plaintiff refused, the RSS workers mistreated and beat him.

In 2014, RSS launched an aggressive campaign "Ghar Wapsi (Home Coming)" through which members of religious minorities are coerced and forced to convert into Hindus. Prominent leaders of RSS have stated the party's policy, goal and aim as there won't be a single Muslim or Christian left in India.

In November 2014, Plaintiff's family living in India was approached by the workers of RSS who told his family that they have received orders and directions from party headquarters to tell all Muslims to be prepared to convert to Hinduism under the upcoming "Ghar Wapsi" (Home Coming) campaign launched by RSS. Due to the threat of forcible conversion to

Hinduism at the hands of RSS, Plaintiff's wife and children had to flee their home in the village and have to go into hiding.

**Plaintiff Kulwinder Singh**, currently resident of the United States, was born on February 20, 1970 in a Sikh family in the state of Punjab, India. In 2009 Kulwinder and his family became inspired with Christianity and with their own free will and internal motivation started attending Church started identifying themselves as Christians. Plaintiff was baptized as a "Christian" after he reached the United States in January 2011 while his wife and children were baptized as Christians in April 2011 in India. After converting to Christianity in 2009, Plaintiff I and his family started receiving threats from Hindu extremist parties including Rashtriya Swayamsevak Sangh (RSS) and others asking them to abandon the Christian faith.

Around June 2014 after Narendra Modi became Prime Minister of India, members of RSS came to plaintiff's home and told his wife that they have received orders and directions from leadership and headquarter of RSS to warn all the Christians to forgo the foreign religion of Christianity and convert to "Hinduism". RSS workers told his wife that she along with the rest of my family should be prepared to convert to Hinduism.

In October 2014 plaintiff's son was severely beaten by RSS workers after he refused to convert to Hinduism.

In December 2014 members of RSS again came to his family and told them that "Ghar Wapsi (Home Coming)" campaign has been launched and that the whole family including his wife and children must attend the "Home Coming" event in January 2015 and must convert to Hinduism.

That as a result of continuous threats, harassment and mistreatment at the hands of RSS, his wife and children live in constant fear of life and safety as RSS workers continue to force them to convert to Hinduism.

Plaintiff Sikhs For Justice, Inc. is a registered not-for-profit organization duly organized under the laws of the State of New York and dedicated advocacy of human rights particularly rights and issues pertaining to the religious minorities.

**Defendant** is the United States Secretary of State.

#### **IV. JURISDICTION AND VENUE**

Jurisdiction is proper for Mandamus pursuant to 28 U.S.C. §1361, the federal question statute, 28 U.S.C. §1331 and Declaratory Judgment under the Administrative Procedures Act ("APA"), 5 U.S.C. §§555(b) and 706(1) and Declaratory Judgment Act, 28 U.S.C. § 2201.

Venue is proper in the Southern District of New York pursuant to 28 U.S.C.



§ 1391(e) because Plaintiff is a registered not-for-profit corporation of this state and there is no real property involved in this action. This Court has personal jurisdiction over Defendant.

There is a six-year statute of limitations in this action under a limit against suits against the U.S. government. 28 U.S.C. § 2401(a). The clock in this action started with plaintiff's December 2014 letter.

## **V. CLAIMS FOR RELIEF**

Plaintiff's causes of action include the following:

### *AS AND FOR A FIRST CAUSE OF ACTION DECLARATORY JUDGMENT*

1. Plaintiff reiterates, repeats, and re-alleges all prior paragraphs as if made with the same force and effect herein.
2. Plaintiff has a clear right to the relief requested.
3. Defendant has a clear duty to perform the act in question to act pursuant to the letter sent by Plaintiff in December 2014 to designate RSS a foreign terrorist organization under the law cited herein.
4. Such clear right to relief is found in the INA specifically allows the government and imposes an obligation on the government, specifically Defendant, to carry out such obligation to Plaintiff and consequently Defendant owes Plaintiff a duty to designate RSS as a foreign terrorist organization under the law cited herein.

5. It is clear from the allegations made herein and in the letter of December 2014 that RSS is in fact a foreign terrorist organization under the cited law.
6. This duty is both mandatory as required by law and ministerial.
7. The letter sent by Plaintiff to Defendant in December 2014 is annexed.
8. Defendant has failed to take any action within a reasonable amount of time.
9. By reason of the foregoing, an actual and justiciable controversy exists between Plaintiff and Defendant and Plaintiff therefore seeks a declaratory judgment that Defendant owes Plaintiff a duty to designate RSS as a foreign terrorist organization and further that RSS is in fact a foreign terrorist organization under the cited law as alleged herein.

*AS AND FOR A SECOND CAUSE OF ACTION  
WRIT OF MANDAMUS*

10. Plaintiff reiterates, repeats, and re-alleges all prior paragraphs as if made with the same force and effect herein.
11. Plaintiff has a clear right to the relief requested.
12. Defendant has a clear duty to perform the act in question to act pursuant to the letter sent by Plaintiff in December 2014 to designate RSS a foreign terrorist organization under the law cited herein.
13. Such clear right to relief is found in the INA specifically allows the government and imposes an obligation on the government, specifically

Defendant, to carry out such obligation to Plaintiff and consequently Defendant owes Plaintiff a duty to designate RSS as a foreign terrorist organization under the law cited herein.

14.This duty is both mandatory as required by law and ministerial.

15.The letter sent by Plaintiff to Defendant in December 2014 is annexed.

16.Defendant has failed to take any action within a reasonable amount of time.

17.No other adequate remedy is available at law.

18.No judicial alternative is available.

19.By reason of the foregoing, an actual and justiciable controversy exists between Plaintiff and Defendant and Plaintiff therefore seeks a writ of mandamus against Defendant with respect to the duty owed Plaintiff by Defendant to designate RSS as a foreign terrorist organization and further for this honorable Court to find that RSS is in fact a foreign terrorist organization under the cited law as alleged herein.

### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays for judgment against Defendant as follows:

- a. For a Writ of Mandamus to issue ordering Defendant to act within his authority to declare RSS a foreign terrorist organization under the authority cited herein;
- b. For a Declaratory Judgment holding that RSS is a foreign terrorist organization under the authority cited herein;
- c. For such, other, further, or different relief as this honorable Court may deem to be just, proper, fitting, and equitable.

Dated: May 26, 2015

/s/ Babak Pourtavoosi  
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babakpacer@ gmail.com  
Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

I certify that I filed the foregoing "Plaintiff's First Amended Complaint" with the United States District Court for the Southern District of New York using the District Court CM/ECF.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the District Court CM/ECF system on the following:

Christopher Kendrick Connolly, Esq.  
U.S. Attorney's Office (Civil Division)  
ATTORNEYS FOR DEFENDANT  
For the Federal District of the Southern District of New York  
86 Chambers Street, 3<sup>rd</sup> Floor  
New York City, NY 10007

Dated: May 26, 2015

\_\_\_\_\_/s/ Babak Pourtavoosi, Esq.\_\_\_\_\_  
Babak Pourtavoosi, Esq.  
Attorney for the Plaintiffs

# **EXHIBIT**

Copy of Letter to US Secretary of State



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December 24, 2014

The Honorable John Kerry  
Secretary  
U.S. Department of State  
Bureau of Counterterrorism  
Office of Public Affairs, Room 2509  
2201 C Street NW  
Washington, D.C. 20520

Dear Secretary Kerry:

We are writing to urge you to immediately designate the Rashtriya Swayamsevak Sangh ("RSS") as a Foreign Terrorist Organization (FTO), in accordance with Section 219 of the Immigration and Nationality Act (INA), as amended, and designate RSS as a Specially Designated Global Terrorist entity (SDGT) under Executive Order 13224 pursuant to the authorities of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)(IEEPA), the National Emergencies Act (50 U.S.C. 1601 et seq.), section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c)(UNPA), and section 301 of title 3, United States Code. We are deeply concerned that RSS tactics, targeting, and fundraising operations appear to be increasingly international in scope, including within the U.S. Homeland. In the thirteen years since the 9/11 attacks, the U.S. government has made great strides against terrorist organization such as designating Boko Haram of Nigeria as FTO for forcible conversions. We must ensure that the Federal government does not become complacent and allow bureaucratic stovepipes to prevent us from addressing a critical terrorist threat.

A brief history on RSS, an organization set up and run as an ultra-religious, fundamentalist, extremist and Hindu supremacist group, is as follows. RSS was founded on Vijayadasami Day, 27 September 1925 as a social organization to ostensibly to provide character training through Hindu discipline, to unite the Hindu community in overcoming caste-based divisions, to counter British colonialism in India, and to suppress Muslim separatism. It proclaims its ideal as upholding Indian culture and civilizational [sic] values more than anything else."<sup>1</sup> RSS has been criticized as a paramilitary and extremist group. Since its inception and early days of existence, RSS is known for its violent ideologies and practices.

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<sup>1</sup> [http://en.wikipedia.org/wiki/Rashtriya\\_Swayamsevak\\_Sangh](http://en.wikipedia.org/wiki/Rashtriya_Swayamsevak_Sangh)



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It is noteworthy that assassination of India's leader of world fame, Mahatma Gandhi was planned by RSS and was carried out by one its loyal activist. RSS was banned during the British rule, and then thrice by the post-independence Indian government — first in 1948 when Nathuram Godse, a former RSS member, assassinated Mahatma Gandhi; then during the emergency (1975–77); and after the demolition of Babri Masjid in 1992.

In July 2014, a report on nonprofit groups was released entitled “Hindu Nationalism in the United States: A Report on Nonprofit Groups”<sup>2</sup> that compiles records, articles, and materials on non-profit groups in the United States affiliated with the Sangh Parivar family of Hindu Nationalist groups, including RSS, that promote and effectuate a form of Hindu Nationalism that directly causes significant physical, mental, and emotional harm to civilian minority religions in India and their members presently residing in the United States.

Known for the neologism Saffron or Hindutva Terror, the RSS has been engaged in acts of violence over recent years motivated in support of Hindu nationalism. RSS has several affiliate organizations such as Vishva Hindu Parishad, Akhil Bharatiya Vidyarthi Parishad, Vanavasi Kalyan Ashram and others. Examples of this violence by Hindu extremist organizations such as RSS and its affiliates include the 2002 Gujarat Massacre of the Muslim people, the aftermath of the September 29, 2008 bomb blast in the predominantly Muslim town of Malegaon in Maharashtra, the 2006 Malegaon blasts, Mecca Masjid bombing (Hyderabad), the 2007 Samjhauta Express bombings<sup>3</sup>, whereupon Swami Aseemanand, a pracharak<sup>4</sup> of the RSS confessed to involvement in the bombing, and the Ajmer sharif dargah blast<sup>5</sup>.

Further, the Indian Home Secretary Raj Kumar Singh noted that a minimum of ten people who had close ties to RSS and its affiliates were named accused in various acts of terror across India.<sup>6</sup> The General Secretary, Rahul Gandhi, of the Indian National Congress Party (“Congress (I)”), the ruling party in India, noted to US Ambassador Timothy Roemer, that the RSS was a

<sup>2</sup> [https://indianvalueeducation.files.wordpress.com/2014/06/us\\_hindunationalism\\_nonprofits.pdf](https://indianvalueeducation.files.wordpress.com/2014/06/us_hindunationalism_nonprofits.pdf)

<sup>3</sup> [http://en.wikipedia.org/wiki/Saffron\\_terror](http://en.wikipedia.org/wiki/Saffron_terror);

[http://en.wikipedia.org/wiki/2007\\_Samjhauta\\_Express\\_bombings](http://en.wikipedia.org/wiki/2007_Samjhauta_Express_bombings)

<sup>4</sup> An RSS Pracharak is a full time worker in the Rashtriya Swayamsevak Sangh (RSS). Pracharaks are dedicated to spreading the ideology of the RSS through personal contact, meetings, and public lectures.

<sup>5</sup> [http://en.wikipedia.org/wiki/Ajmer\\_Dargah\\_attack](http://en.wikipedia.org/wiki/Ajmer_Dargah_attack)

<sup>6</sup> [http://en.wikipedia.org/wiki/Saffron\\_terror](http://en.wikipedia.org/wiki/Saffron_terror)





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“bigger threat” to India than Lashkar-e-Tayiba.<sup>7</sup> There is evidence of RSS and its affiliates being responsible for bomb threats throughout the country of India.

In addition, there was an article in the Indian-based Daily Mail News entitled “Hindu extremists preparing to launch Religious Holy War.”<sup>8</sup> While the article title speaks for itself, the article goes on to talk about what is known as Dharma Yudh (Religious Holy War) and how there is an “astonishing emergence of Hindu religious extremism when in a worst of its kind episode... Hindu extremists terrorized hundreds of Muslims in Agra and forced them to become Hindus.” This was equated with to the seriousness surrounding the senseless slaughter of thousands of Muslim in the Gujarat state massacre of 2002 spearheaded by then Chief Minister of Gujarat and current Prime Minister of India, Narendra Modi. The forced religious conversion of countless thousands being just as serious as the senseless slaughter of thousands is a major concern and a sign of various organizations linked to RSS as “emerging as a new and very deadly source of global terrorism.” Further according to the article, the Hindutva Brotherhood and other Hindu fanatic groups “are getting organized on the pattern of Taliban and Hindutva network has got all the potential to become even more lethal than Al-Qaeda and other Muslim extremists’ militant groups.” The article even states that “mostly part of ruling BJP and involved in saffron terrorism, religious bigotry and hate mongering politics, have already qualified to come under very serious US legislations and can very easily be placed on the State Department’s list *of Foreign Terrorist Organizations under Section 219 of the Immigration and Nationality Act (INA)*....” Further, “a number of new saffron organizations are having mushroom growth in India on a routine basis under the patronage of the BJP government and the Sangh Parivar umbrella of Hindutva like-minded groups.” Rss is listed as being amongst the groups and organizations coming under the legislation.

The article states that RSS has “joint terrorist training camps at several locations in India where large number of Hindu trainees even come from USA, Europe, Australia, Africa and South East Asia. These trainees are imparted ‘Shakha’ (daily military regime and discipline) preparing them for ‘Dharma’ Yudh (Religious Holy War).” These trainees are trained “in use of fire arms,

<sup>7</sup> Lashkar –e-Tayiba is one of the most notorious terrorist groups in India, also known as Army of the Righteous, is one of the largest and most proficient of the Kashmir-focused militant groups.

<sup>8</sup> <http://dailymailnews.com/2014/12/15/hindu-extremists-preparing-to-launch-religious-holy-war/>



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explosives, knives, daggers, trishuls (Hindu religious javelin having three prongs) guerilla warfare, sabotage, booby trapping, ambush and surprise attack tactics, close quarter encounters and assault techniques, as well as combat with minimal use of weapons such as clubs and martial arts” and “[o]ver a 100,000 terrorists have been trained to a high degree of sophistication in these camps while those who have received preliminary training are countless.” According to the article a training of 200,000 is estimated for 2015 and some being students and youth as young as 8 or 13 years old. The US Commission on International Religious Freedom (USIRF) already condemned the Sangh Parivar Hindu fundamentalists for “crimes committed against humanity” for the killing of Muslims in the 2002 Gujarat massacre. The message of the article calls for stopping of the funding and promotion of religious bigotry and recognizing this grave threat to the security of the United States and the world stage as Sang Parivar continues to run the pogrom of terror to establish Hindu nationalism and forced religious conversion and attempted genocide of thousands. The article states that there has not been a threat this serious regarding the ideology of the Hindutva organizations of Sangh Parivar and their affiliates since the Aryan chauvinism of Hitler’s Nazi party or Mussolini’s Fascist Party. The founder of RSS, Dr. Kehav Rao Baliran Hedgewar, was impressed with Hitler’s and Mussolini’s ideologies and formed RSS based on such principles. The Nazi Swastika is often a symbol of the Hindutva organizations and the Nazi oath of allegiance “Loyalty is our Honour” is also used by Hinutva organizations like RSS along with the slogan “Hinduize the politics and militarize the Hindus.” The racist and bias-motivated ideologies of the RSS and its affiliates are continuing in the government of India until this day and it is evident by the recruitment of many in these terrorist training camps that they will not stop at the use of force to accomplish their mission but use any tactics deemed necessary.

The Legal Criteria for Designation of a FTO under Section 219 of the INA as amended is as follows:

1. It must be a *foreign organization*.
2. The organization must *engage in terrorist activity*, as defined in section 212 (a)(3)(B)(iii) and (iv) of the INA (8 U.S.C. §1182(a)(3)(B)), or *terrorism*, as defined in section 140(d)(2) of the Foreign Relations Authorization Act, 22 U.S.C. § 2656f(d)(2), or *retain the capability and intent to engage in terrorist activity or terrorism*.



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3. The organization's terrorist activity or terrorism must threaten the security of U.S. nationals or the national security (national defense, foreign relations, or the economic interests) of the United States.

Terrorist Activity is defined under INA Section 212(a)(3)(B)(iii) as "any activity which is unlawful under the laws of the place where it is committed" including "highjacking or sabotage of any conveyance"; "seizing or detaining, and threatening to kill, injure, or continue to detain, another individual in order to compel a third person (including a governmental organization) to do or abstain from doing any act as an explicit or implicit condition for the release of the individual seized or detained"; "[a] violent attack upon an internationally protected person (as defined in section 1116(b)(4) of title 18, United States Code) or upon the liberty of such a person"; "assassination"; "use of any- (aa) biological agent, chemical agent, or nuclear weapon or device, or (bb) explosive, firearm, or other weapon or dangerous device (other than for mere personal monetary gain), with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property"; or "threat, attempt, or conspiracy to do any of the foregoing."

Being engaged in terrorist activity is defined under INA Section 212 (a)(3)(B)(iv) as "in an individual capacity or as a member of an organization- (I) to commit or to incite to commit, under circumstances indicating an intention to cause death or serious bodily injury, a terrorist activity; (II) to prepare or plan a terrorist activity; (III) to gather information on potential targets for terrorist activity; (IV) to solicit funds or other things of value for-- (aa) a terrorist activity; (bb) a terrorist organization described in clause (vi)(I) or (vi)(II); or (cc) a terrorist organization described in clause (vi)(III), unless the solicitor can demonstrate by clear and convincing evidence that he did not know, and should not reasonably have known, that the organization was a terrorist organization; (V) to solicit any individual-- (aa) to engage in conduct otherwise described in this subsection; (bb) for membership in a terrorist organization described in clause (vi)(I) or (vi)(II); or (cc) for membership in a terrorist organization described in clause (vi)(III) unless the solicitor can demonstrate by clear and convincing evidence that he did not know, and should not reasonably have known, that the organization was a terrorist organization; or (VI) to commit an act that the actor knows, or reasonably should know, affords material support, including a safe house, transportation, communications, funds, transfer of funds or other material financial benefit, false



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documentation or identification, weapons (including chemical, biological, or radiological weapons), explosives, or training-- (aa) for the commission of a terrorist activity; (bb) to any individual who the actor knows, or reasonably should know, has committed or plans to commit a terrorist activity; (cc) to a terrorist organization described in subclause (I) or (II) of clause (vi) or to any member of such an organization; or (dd) to a terrorist organization described in clause (vi)(III), or to any member of such an organization, unless the actor can demonstrate by clear and convincing evidence that the actor did not know, and should not reasonably have known, that the organization was a terrorist organization.”

Terrorism as defined under section 140(d)(2) of the Foreign Relations Authorization Act, 22 U.S.C. § 2656f(d)(2) is defined as “premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents.”

Over the previous years as noted herein, RSS, a foreign organization originating in India and being one of the dominant parties in India, has intensified its campaign of terrorism, including acts of random and targeted violence and threats against members of minority religions and sympathizers who act against the spread of Hindu nationalism throughout the subcontinent of India. RSS has “[in the aftermath of the Gujarat earthquake in 2001] ... distributed relief selectively to upper-caste victims, neglecting Dalits and Muslims. The RSS also organized [sic] shakhas [local chapters] in relief camps. At Adhoi village, Vishwa Hindu Parishad (VHP) preachers gave lectures every night on the need to be vigilant against Christians and Muslims. RSS volunteers allegedly threatened other relief workers with harm unless they left Kutch” (Bunsha 2004). The U.S. counterparts of the militant Rashtriya Swayamsevak Sangh (RSS) and the Vishwa Hindu Parishad (VHP)— the Hindu Swayamsevak Sangh (HSS, identification number 52-1647017) and the VHP of America (VHPA, identification number 51-0156325), respectively—both operate youth camps and education programs to promote “Hindu culture” and to encourage young Hindus to “develop pride in their Hindu identity”<sup>9</sup>

This blatant disregard for the rights of minority religions is a grave threat to the United States of America and the security of such persons residing within the United States.

<sup>9</sup> <http://www.frontline.in/static/html/fl2108/stories/20040423003504300.htm>



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Accordingly, designating RSS an FTO will ensure that the Department of Justice has the necessary legal authorities to prosecute individuals associated with RSS for any terrorism related crimes within the U.S. Homeland and to stop the funding of terrorist related activities by RSS. It will also allow the Department of Treasury the authority to designate individuals within RSS for illicit fundraising. Currently, neither the Departments of Justice nor Treasury can take such actions without FTO designation creating unnecessary risk. In addition, FTO designation will also ensure that all other members of the U.S. Intelligence Community have every military, intelligence, diplomatic, and economic tool at their disposal to disrupt and deter RSS's operations, planning, and fundraising both internationally and domestically. If you have any questions, please do not hesitate to contact us at (718) 672-8000.

Sincerely,

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Legal Advisor to SFJ